

December 3, 1963

Mr. J. E. Curry
Chief of Police

Subject: Arrest of Lee Harvey Oswald

Sir:

At approximately 1:50 PM, November 22, 1963, while cruising the Oak Cliff area of Dallas, Texas, was Lt. E. L. Cunningham and Detective M. A. Buhk, we heard a radio dispatch informing all units of the shooting of a police officer, giving information that a suspect was in the balcony section of the Texas Theatre located in the 200 block of West Jefferson.

We proceeded to that location and went into the theatre. Detective Buhk remained in the car to maintain liaison with the dispatchers officer. Lt. Cunningham and I went into the theatre and up to the balcony section. There was a young man sitting near the top of the stairs and we ascertained from manager on duty that this subject had been in the theatre since about 12:05 PM. My watch indicated 1:55 P. M. at that time. At this time I heard someone from the main floor say in a loud voice, "He's down here". I ran downstairs and into the seating area of the main floor. I saw a uniformed officer whom I later recognized to be Officer N. N. McDonald, attempting to subdue a subject who had a gun. Later identified as Lee Harvey Oswald. The subject Oswald had the pistol in his right hand, his right arm pinioned across the left shoulder of Officer McDonald. At the time I was in the aisle approximately fifteen feet to the rear of Officer McDonald.

There were several officers nearer Officer McDonald than I at this time. We all immediately converged to that point. One of the officers stated "I have the gun". Oswald was then subdued, handcuffed and removed from the building for transporting to the city hall.

JOHN B. TONEY - Page 2

Lt. Cunningham was in charge at the scene and requested that uniformed officers to keep the theatre closed for the purpose of interviewing the witnesses inside the theatre.

Respectfully,

O/S John B. Toney
Detective 778
Forgery Bureau

JET:ms

Copied by MM - 12-5-63